

REMARKS

In accordance with the foregoing, claims 3 and 6 have been amended to incorporate the features of independent claim 1, and claims 8 and 9 have been amended to incorporate the features of independent claim 7. Accordingly, claims 1 and 7 have been cancelled. Therefore, after entry of the foregoing claim amendments, claims 3, 6, 8 and 9 will be pending and under examination. No new matter is being presented, and reconsideration of the claims is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 3, and 6-9 stand rejected as being unpatentable over Yuyama et al. (U.S. Patent No. 5,825,408) (hereinafter “Yuyama”), Takei (US 2002/0057350 A1) and Yoshinobu et al. (U.S. Patent No. 5,761,372) (hereinafter “Yoshinobu”). The rejections are respectfully traversed and reconsideration is requested. As noted above, claims 3 and 6 have been amended to incorporate the features of independent claim 1, and claims 8 and 9 have been amended to incorporate the features of independent claim 7. Accordingly, claims 1 and 7 have been cancelled and the rejections thereof are considered moot. The following is a comparison between the embodiments of the present invention and the cited references.

Rejections of claims 3 and 8

Claim 3, for example, recites that the receiving state detector repeats the detection operation after being activated by the receiving state detection activator, the judger repeats the judging operation, and the notifier repeats the notifying operation until it is judged that the recording is permitted or until the user cancels the programmed recording. Claim 8, as amended, recites similar features.

The Examiner notes that Yuyama fails to teach or suggest the features of claims 3 and 8, but cites paragraph [0010] of Takei as disclosing the foregoing features. However, paragraph [0010] of Takei merely discloses a process required when a recording operation is *discontinued*. The cited portion of Takei does not teach or even suggest that the receiving state detector *repeats* the detection operation, and the judger *repeats* the judging operation, for example.

Instead, as provided above, embodiments of the present invention, as recited in independent claims 3 and 8, clearly disclose that the detection, the judging and the notifying are *repeated* until it is determined that the recording is permitted or until the user cancels the programmed recording, for example. Therefore, as an exemplary advantage, a portable telephone according to various embodiments makes it possible to appropriately notify the user when the recording is not permitted.

Rejections of claims 6 and 9

Claim 6, for example, recites that the notifier performs notification by a production of at least one of sound and vibration. Claim 9, as amended, recites substantially similar features.

The Examiner notes that Yuyama fails to teach or suggest the features of claims 6 and 9, but cites paragraph [0132] of Takei as disclosing the foregoing features. However, paragraph [0132] of Takei merely discloses that a warning message is provided by a display and a sound. Nothing the cited reference indicates that a warning notification could be performed by the display of an image and at least one of *sound and vibration*.

Therefore, none of the cited references teaches or even suggests the features of amended independent claims 3, 6, 8 and 9, which accordingly are submitted to patentably distinguish over the cited art, alone or in combination.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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